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Jordan and Hamburg LLP  
122 East 42nd Street  
New York, NY 10168

In re Application of BRAGAGNOLO et al :  
U.S. Application No.: 09/786,098 :  
Int. Application No.: PCT/AU99/00707 :  
Int. Filing Date: 31 August 1999 :  
Priority Date: 21 August 1998 :  
Attorney Docket No.: F-6863 :  
For: PANEL MOUNTING FRAME AND METHOD :

## DECISION

This is in response to applicants' "Explanation Re Name of Second Inventor" filed 28 February 2001, requesting that the second inventor's name be indicated as David Sydney Noel Wood.

## BACKGROUND

On 31 August 1999, applicants filed international application PCT/AU99/00707, which claimed priority of an earlier Australia application filed 31 August 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 09 March 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 17 February 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 February 2001.

On 28 February 2001, applicants filed national stage papers in the United States. The submission was accompanied by, *inter alia*, an authorization to charge the basic national fee required by 35 U.S.C. 371(c)(1), an "Inventor Information Sheet", and the present request.

On 17 May 2001, applicants filed two executed declarations.

## DISCUSSION

A review of the application file reveals that the name of the second inventor is listed in the international application as "Noel Sydney David Wood". However, the "Inventor Information Sheet" filed 28 February 2001 and the declarations filed 17 May 2001 list the name of the second

inventor as "Noel Sydney Davidson Wood". The present request states that the name of the second inventor should be indicated as "David Sydney Noel Wood", which conflicts with the international application, the "Inventor Information Sheet", and the declarations. In that this is clearly more than a mere typographical error or a phonetic misspelling of the inventor's name, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of \$130.00 as well as statements from the inventor and any other persons having firsthand knowledge of the error. These statements must set forth the specific circumstances as to how and when the error was made and discovered and must also set forth that the mistake was an inadvertent error without deceptive intent.

Furthermore, if name of the second inventor is listed incorrectly on the declarations filed on 17 May 2001, then a new declaration which correctly lists the name of the second inventor and is executed by both inventors must be submitted.

### **CONCLUSION**

For the reasons above, the present request to indicate the name of the second inventor as "David Sydney Noel Wood" is **DISMISSED** without prejudice.

If reconsideration on the merits of this decision is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Petition Under 37 CFR 1.182" and must include the requisite petition fee and an acceptable explanation of the facts as discussed above. Failure to respond to this decision in a timely manner will result in ABANDONMENT of the application.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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